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VILLAGE OF TANNERSVILLE  
REGULAR BOARD MEETING  
November 20, 2003

A regular board meeting was held on Thursday, November 20, 2003 at 7:00 p.m. at the Tannersville Village hall.

Present: Glenn Weyant, Mayor  
Edward Legg, Trustee  
Paul Morra, Trustee  
Robin Castle, Clerk

Also Present: Dan Breck, Boris Abromovich, Jeff Prince, Keith Griffin – CEO for the Village of Tannersville, Pat and Gina Guarino, Mayorina Yoger, Guido Tocci, Donna Weyant, Thomas Hangarter, Eric Thorpe, David Kornell, Jim Wiltse, Vitas F. Stabler, Ed Cole.

The Mayor opened the board meeting with the Pledge of Allegiance

Trustee Legg Made a motion to approve the minutes from the October 9<sup>th</sup> Board Meeting. Trustee Morra Seconded. All approved, Motion carried.

Trustee Morra made a motion to approve the general vouchers, #'s 507-548, and water vouchers #250-265. Trustee Legg seconded. All in favor, motion carried.

Trustee Morra made a motion to approve the appointment of the Tannersville Fire Department officers. Trustee Legg Seconded, all in favor, motion carried.

Mayor Weyant made a motion to appoint Robin Castle as the Village Clerk. Trustee Morra seconded. All in favor, motion carried.

Robin Castle then took the oath of office administered by Tal Rappleyea, ESQ, and Village Attorney.

The Mayor then administered his report:

### Mayor's Report

- ❖ 10/10 Held a preconstruction Meeting with M&D for Huckleberry Trail Storm Drainage Improvements
- ❖ 10/11 The Town wide Yard Sale took place
- ❖ 10/14 Paid \$65,000 for a debt service bond from the Water Department
- ❖ 10/15 Met with Joe Wolodkevich from ITS to discuss upgrading and repairing office equipment
- ❖ 10/29 Met with the Teamsters Rep, Paul Engle to discuss Union Contract for Highway Dept.
  - Also Met with Mike Brown from Frasers to discuss grant opportunities
- ❖ 10/30 Went to DEC office in Stamford for a meeting
- ❖ 11/2 The Kaaterskill Methodist Church held a reception in the Village Hall for a new minister.
- ❖ 11/3 Tannersville Area Health held a meeting in the Village hall
- ❖ 11/4 The Town of Hunter held it's election

- ❖ 11/5 Met with Rebecca Ramm from ITS to discuss further designs for the Village Signs
  - Also met with Matt Leach, M&D, Tal Rapplelea, and Brad Grant from Frasers to discuss the work done on the bike path adjacent to Mr. Leach's Property and fence work – the Village's obligations from an original easement requirement.
- ❖ 11/7 The Village Clerk met with 2 ADP representatives to discuss different payroll arrangements
- ❖ 11/8-11/15 I was out on vacation
- ❖ 11/10 The Village Clerk & the Building inspector held a 2<sup>nd</sup> meeting with Joe from ITS to discuss the further possibilities of upgrading and repairing office equipment
- ❖ 11/14 Trustee Legg went on a walk through of the Sump Pump Project with Kaaterskill Engineering, Evergreen Contracting, and the CWC. 15 homes were involved in the project, and the contract is complete.
- ❖ 11/17 Dan from Real Life Imaging met with the Village Clerk and building inspector for a walk through of upgrading and repairing office equipment
- ❖ 11/19 Met with 2 village employees to discuss attendance policies
  - Also met with Paul Engle from the Teamsters Union
  - Also met with Barbara Sturnum from the Youth Center to discuss building codes and Activities for the Tree Lighting Ceremony on December 7<sup>th</sup>.

#### Financials:

We will receive approximately \$18,000 in Tax Revenue from the Re-levies to the county.

The below figures are after November Vouchers and Revenues:

General Checking:	\$5,000
General M/M:	\$160,000 waiting for \$45,843.07 reimbursement from CWC for work M&D has done on Bike Path
Water Checking:	\$6,000
Water M/M:	\$56,000
Garbage:	\$100
Publicity	\$2600

The Mayor then turned the meeting over to Trustee Morra for his report.

#### **Trustee Morra's Report** **Water Department**

- -The Hydrants were flushed on November 5 & 6<sup>th</sup> by Severn Trent.
- -Severn Trent is working with us on getting a list together of broken meters and remotes that need to be repaired.

- -Tapped a new water main a new connection for the Beaudry Residence on Spruce Street
- -The section of road where the HWY Department dug for the water main needs to settle before they pave it over.
- -Repaired a water main break on Baker Court Road
- -Replaced a broken curb box at 120 Penrose Ave
- -Finally made contact with Ms. Bryce who resides on Spring Street Extension with a major water leak. She is working with a plumber to repair the problem.
- The Garbage truck rear axle broke and we looked at another truck.

Trustee Morra then made a motion to offer \$9500 for the new truck. Trustee Legg seconded. All in favor, motion carried.

**\*\*\*Total Revenue in October for Water billing was \$82,339.22.**

**\*\*\*Total Revenue in November for delinquent water is: \$9,364.97**

**Bringing total revenue as of today to \$91,704.19**

#### **Trustee Legg's Report Highway Department**

- -Patching the Village roads and streets where needed, and especially around the manhole covers and water shutoffs so the plows don't catch on them this winter while plowing.
- -Cleaning out ditches and culverts due to the heavy rain we have been experiencing
- -The skateboard park ramps have been taken to the water plant for storage, and also the band platform used at the Black Bear Festival is in the Garage for storage.
- -The plow trucks have been checked over and repairs made. The sanders have been painted.
- -The HWY Dept has also been working on the bridge approaches for the new bridge on Railroad Avenue located near the Village Shop.

The Mayor then read the Building Department report:

New Building Permits as of October 9, 2003.

	<u>PermitNumber</u>
1. Shed on Spruce Street, for Susan Beaudry	2003 - 22
2. Trailhead Village: Pending Townhouses	2003 - 23
3. House on Spruce Street; for Susan Beaudry	2003 - 24
4. Yacht Club Pending: Plans and Variance	2003 - 25
5. Yacht Club Pending: Small roof over Deck	2003 - 26

#### **Garbage Incident October 17, 2003**

A complaint was received from the owner of Maggie's Krooked Café' concerning garbage behind her building

October 20, 2003 Loring Pratt returned my call from October 17, 2003 concerning garbage from dumpster for tenants on property that has history of bear visitation.

He questioned whether or not Tenants could purchase garbage bags  
He asked if a wooden bin could be built in or on parking lot side for Village Garbage. His garbage collector apparently does not supply Bear-proof dumpsters.

I responded that the Village does not collect from Commercial Property and we are starting to address the bear problem and that by spring we would like to put an end to the bear accessible dumpsters. I notified Loring that we are developing a program to codify this problem through Voluntary compliance or a new Village Ordinance

#### Certificate of Occupancy

182.05 – 1 – 41	Terns	Inspected Tuesday November 11, 2003 Issued Monday November 17, 2003
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#### Certificate of Occupancy search

166.17 – 2 – 38	James Ward
166.14 – 1 – 8	Janet Mazza
166.14 – 1 – 9	Janet Mazza

#### Miscellaneous

Keith was called on Sunday November 2, 2003 at approximately 11:00 am with a report of possible construction to be done in a streambed within the village boundaries and located at 111 Spruce Street.

The DEC was called on Nov 3, 2003 to investigate water damage done on the property of Susan Beaudry at 111 Spruce Street Tannersville.

A fax was sent to the DEC Monday at approximately 1:45pm. Peter Freehafer at the DEC will be looking into the case. Hopefully we will get an answer soon.

An unconfirmed report indicates that DEC was there and that no violations were noted. Keith is still waiting for official confirmation.

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The Mayor then turned the meeting over to Thomas Hangarter to describe a variance with the Yacht Club.

Thomas Hangarter then stated that he wants a lat line variance for the Yacht Club. He also stated that he didn't quite understand the law.

Keith Griffin, CEO stated that he needs to discuss the type of construction that Mr. Hangarter needs to do to comply with the variance.

Trustee Morra also questioned whether or not the variance would be build on the easement with the sewer connection from the City.

Mr. Griffin also stated that he will meet with the city and Mr. Hangarter to discuss the more specifics of this proposal, and to make sure that there is no imposition on the sewer easement with the City.

The Mayor also questioned the size of the setback on the property being 1 foot or 3 foot. Mr. Hangarter noted that it was a 1-½ foot setback on the plans.

Mr. Hangarter then went up and showed the board his plans for the variance.

The Mayor then stated that letters should be sent to Anthony Pugliese and Skip Pratt and when ready, to schedule a public hearing for the variance. The real key is to make sure where the sewer line is located.

The Mayor then moved on to approve resolution number 24 for Catskill Development LLC to annex into the Village, pending the approval of the MOU and the board. Trustee Morra made the motion to approve resolution number 24 of 2003. Trustee Legg seconded, all in favor, motion carried.

Tal Rappleyea noted that there was a petition to annex into the village, signed by the majority of the adjacent land.

The Mayor explained the resolution, that the basis of it was that all of the rules and regulations needed to be met, as well as the development of an adequate additional water supply if the annexation is successful, at the developer's expense. We will also need a safety of analysis to know of the maximum capacity of the water supply.

Mr. Tocci is concerned about the noise problem. The Mayor assured him that that will be taken into consideration.

The approval of resolution 25 is supporting the County and the IDA in opposing above ground wires by the Athens Generating Plant LLC. Trustee Legg made a motion to approve resolution number 25 of 2003. Trustee Morra seconded. All in favor, motion carried.

Proposed resolution number 26 is to accept J. Kenneth Fraser and Associates as the engineers for the Master Plan for the Village. It also allows the Mayor to enter an agreement with Frasers. Trustee Legg made a motion to approve resolution number 26 of 2003. Trustee Morra seconded. All in favor, motion carried.

Trustee Legg then spoke of his conversation with Eric Thorp in regards to the antique fire truck. The Fire Company would like the title turned over to them so they can restore and store it for parades and such.

The Mayor stated that he would like to see the antique restored. But there should be an agreement that if anything happens, it should be returned to the village.

Trustee Legg suggested that the Fire Department try to get a grant to restore the truck. It may be easier for them than the Village to do such.

The Mayor then adjourned the Board meeting.

The Mayor made a motion to open a public hearing. Trustee Morra Seconded. All in favor, motion carried.

Village of Tannersville  
Public Hearing  
November 20<sup>th</sup>, 2003  
Approx. 7:45 pm.

The Mayor introduced Tal Rappleyea as the Village attorney, and who would guide the village through the moratorium for Adult entertainment businesses.

Tal stated the since these kind of businesses are protected by the constitution (freedom of speech) that there needs to be some necessary steps taken in regulating adult entertainment businesses.

First off a committee needs to be established to perform a study of the impact of these kinds of businesses, and must contain, a village board member, village attorney, and a member of the public.

Tal had also drafted a moratorium, a 6 month temporary law that prohibits the establishment of adult entertainment businesses. Also during that period, the committee will be established, the study will be conducted, and a drafted law will be proposed to the board for approval, and will be able to withstand any judicial scrutiny, because this approach has been accepted in the past.

Tal stated that he had done research and has a basis for a study by looking into another Villages situation.

Tal asked for public comment and questions:

Gina Guarino asked if anything would be grandfathered in, to protect this business from forming. She also asked if anyone submitted an application to open the adult business. Tal stated that there was no application submitted yet.

Ms. Guarino also stated her opposition for the adult business and the negative impact that it would have on the village. She had also researched that the Villages of Coxsackie and Athens already have local laws preventing these businesses.

Dan Breck, asked why would anyone have to submit an application, why couldn't they just open it up.

Trustee Morra stated that we have a land use ordinance that states what kinds of businesses can be used on the land.

Dan Breck also asked if this was reacting instead of acting.

Tal stated that this should have been looked at before, but the Village is ahead of the game because there have been no applications filed.

Gina Guarino asked if she could see a copy of the moratorium and if anyone would be allowed to come to the Commission meetings

Tal responded that the meetings will be open to the public, and she could have a copy of the moratorium.

Dan Breck also asked what kind of entertainment was included in the moratorium.

The mayor stated that it is all described in the moratorium with all of the definitions of what is being outlawed at least temporarily.

The mayor then made a motion to adjourn the public hearing. Trustee Morra seconded. All in favor, motion carried.

Board Meeting Continuation.  
Village of Tannersville  
November 20, 2003

The Mayor then made a motion to re-open the board meeting. Trustee Legg seconded. All in favor, motion carried.

Trustee Morra made a motion that we adopt the moratorium. Trustee Legg seconded. All in favor, motion carried.

The Mayor then stated that the next item was to appoint the committee as follows:

|                                   |                     |
|-----------------------------------|---------------------|
| Village Board Member:             | Mayor Glenn Weyant  |
| Village Attorney:                 | Tal Rappleyea, Esq. |
| Village Resident/ Business Owner: | Dolph Semenza       |

Trustee Morra made a motion to accept the committee aforementioned. Trustee Legg seconded. All in favor, Motion carried.

The Mayor opened the floor to public comment.

Dan Breck stated that he stated he received a letter from the Village concerning the cars on his property that are vacant. But there are also other properties that have cars with grass covering them, that haven't been removed. He was also wondering why he had to fill out a FOIL request. He thinks that public laws should be public, that people shouldn't have to fill out the FOIL request.

The Mayor responded to the issue about the cars, stating that everyone that has abandoned cars has received notices regarding the matter. The Village is trying their best to clean up. At the previous board meeting Keith was asked to jump on this situation and the notices were sent out. Everyone and the people in these situations with junk and cars were offered free removal at the Villages expense, however they passed the opportunity by.

In regards to the FOIL request the matter was turned over to the Village Attorney.

Tal Rappleyea noted that it is better to have a blanket policy instead of having exceptions, where problems can arise. If there is enough uproar from the Village concerning the availability of the local laws with out a foil request, then that is something the board has to take into consideration for an exception. But once you start making exceptions, the exceptions become the rules.

Dan Breck stated that the reason why he was asking about the foil request is because everyone may not know the law, and it says that it could take up to 5 days for them to gain their copy. Someone may get frustrated at this and do something illegal. Maybe there could be a book for people to look at, then if they wanted a copy of the law, to fill out a foil request and pay the 25 cents a page. We are such a small community and the local laws should be easily accessible to the community.

The Mayor then asked Mr. Breck what the town did with their laws. Mr. Breck stated that as far as he knew that when someone asks to see a law it is presented to them.

Jeff Prince stated that he agrees with Mr. Breck.

Trustee Legg stated that he felt that the laws don't fall under the FOIL request but something like files do.

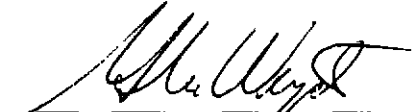
The Mayor stated that he was willing to pass a motion to allow the local laws and ordinances out to the public.

Trustee Morra stated that he disagreed because the clerk doesn't have time if ten people walk in the door and want these laws. If we have a book and they look in the book and want it, they can have the copies, but we need the 5 days.

Dan Breck then stated that the Village Clerk was extremely pleasant and the Board was lucky to have her.

The Mayor stated that in the long run, we would like to put the laws and ordinances on the Village Web site for those that are computer literate to access them. Also when the tax bills go out, there is a list of the entire Village local laws and ordinances in the village.

Trustee Legg made a motion to close the board meeting. Trustee Morra Seconded. All in favor, motion carried.




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Glenn Weyant, Mayor



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Edward Legg, Trustee



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Paul Morra, Trustee